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Before the
Federal Communications Commission
Washington, D.C. 20554

JAN 6 11 30 AM '04

In the Matter of)

BellSouth Telecommunications, Inc.)

Request for Declaratory Ruling that State)

Commissions May Not Regulate Broadband)

Internet Access Services by Requiring)

BellSouth to Provide Wholesale or Retail)

Broadband Services to CLEC UNE Voice)

Customers)

WC Docket No. 03-251

ORDER

Adopted: December 30, 2003

Released: December 30, 2003

By the Chief, Competition Policy Division:

Revised Filing Dates:

Comments Due: January 30, 2004

Reply Comments Due: February 20, 2004

1. On December 16, 2003, the Commission released a Public Notice seeking comment on BellSouth Telecommunications, Inc.'s (BellSouth) request for declaratory ruling that the state commissions may not regulate broadband Internet access services by requiring BellSouth to provide wholesale or retail broadband services to voice service customers of competitive local exchange carriers using unbundled network elements. The Public Notice stated that interested parties could file comments on or before January 15, 2004 and reply comments on or before January 30, 2004.¹

2. On December 23, 2003, the National Association of Regulatory Utility Commissions (NARUC) filed a motion to extend the deadlines for filing comments and reply comments in this proceeding.² In its pleading, NARUC requests an extension of time in order to "permit more substantive and complete responses on the complex legal, economic and policy issues raised in this proceeding."³ NARUC notes that the existing comment cycle runs over the year-end holidays, and argues that parties, particularly state commissions, need additional time to evaluate the "complex issues regarding the allocation of jurisdiction between the States and the

¹ *Pleading Cycle Established for Comments on BellSouth's Request for Declaratory Ruling that State Commissions May Not Regulate Broadband Internet Access Services by Requiring BellSouth to Provide Such Services to CLEC Voice Customers*, WC Docket No. 03-251, Public Notice, DA 03-3991 (rel. Dec. 16, 2003).

² NARUC Motion For Extension of Time, WC Docket No. 03-251 (filed Dec. 23, 2003).

³ *Id.* at 1

Commission to regulate facilities that are used to provide interstate and intrastate services" presented in the "several hundred pages" of BellSouth's petition.⁴

3. It is the policy of the Commission that extensions of time are not routinely granted.⁵ In this instance, however, the Bureau finds that NARUC has shown good cause for an extension of the deadline for filing comments and reply comments in this proceeding. Because of the complexity of the issues and the intervening holidays, we grant a limited extension so that parties may file comments on or before **January 30, 2004** and reply comments on or before **February 20, 2004**. This matter shall continue to be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ All other requirements discussed in the Public Notice remain in effect.

4. **ACCORDINGLY, IT IS ORDERED**, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that NARUC's Motion for Extension of Time in the above-captioned proceeding IS GRANTED to the extent set forth herein.

FEDERAL COMMUNICATIONS COMMISSION



Michelle M. Carey
Chief, Competition Policy Division

⁴ *Id.* at 2.

⁵ 47 C.F.R. § 1.46(a).

⁶ 47 C.F.R. § 1.1206.